

## LEAD-BASED PAINT POISONING PREVENTION ACT

DECEMBER 30, 1970.—Ordered to be printed

Mr. BARRETT, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 19172]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".*

#### TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

##### GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) *The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.*

(b) *The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.*

(c) *A local program should include—*

(1) *educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;*

(2) *development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;*

(3) *development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and*

(4) *any other actions which will reduce or eliminate lead-based paint poisoning.*

(d) *Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.*

## *TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING*

*SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.*

(a) *A local program should include:*

(1) *development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;*

(2) *the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and*

(3) *any other actions which will reduce or eliminate lead-based paint poisoning.*

(b) *Each such program shall—*

(1) *be consistent with the appropriate local program asisted under section 101, and*

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

### TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

#### FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. *The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.*

### TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

#### PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. *The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.*

### TITLE V—GENERAL

#### DEFINITIONS

SEC. 501. *As used in this Act—*

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) and Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possession of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

#### CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. *In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.*

#### APPROPRIATIONS

SEC. 503. (a) *There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed \$3,330,000 for the fiscal year 1971 and \$6,660,000 for the fiscal year 1972.*

(b) *There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed \$5,000,000 for the fiscal year 1971 and \$10,000,000 for the fiscal year 1972.*

(c) *There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed \$1,670,000 for the fiscal year 1971 and \$3,340,000 for the fiscal year 1972.*

(d) *Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.*

And the Senate agree to the same.

WILLIAM A. BARRETT,  
HENRY REUSS,  
T. L. ASHLEY,  
WILLIAM MOORHEAD,  
WILLIAM B. WIDNALL,  
SEYMOUR HALPERN,  
J. WILLIAM STANTON,

*Managers on the Part of the House.*

RALPH W. YARBOROUGH,  
HARRISON A. WILLIAMS,  
EDWARD KENNEDY,  
GAYLORD NELSON,  
THOMAS F. EAGLETON,  
ALAN CRANSTON,  
HAROLD E. HUGHES,  
PETER H. DOMINICK,  
J. JAVITS,  
GEORGE MURPHY,  
WINSTON PROUTY,  
W. B. SAXBE,

*Managers on the Part of the Senate.*



## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

### GRANTS FOR LOCAL ELIMINATION OF LEAD-BASED PAINT

The House bill contained a provision authorizing the Secretary of HUD to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based paint elimination programs. The Senate amendment contains a provision authorizing the Secretary of Health, Education, and Welfare to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based paint detection and treatment programs. The conference substitute contains the Senate provisions.

### GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

The Senate amendment contained a provision similar to the House bill authorizing the Secretary of HEW to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based elimination programs. Such local lead-based paint programs would include comprehensive testing programs to detect the presence of lead-based paint on surfaces of residential housing; programs of eliminating lead-based paint from all interior surfaces and exterior surfaces to which children are commonly exposed and other actions to reduce or eliminate lead-based paint poisoning. The similar House provision would authorize a local program of lead-based paint elimination to include educational programs to communicate the health danger of lead paint in the development of intensive community testing programs

to detect incidents of lead paint poisoning. The conference substitute contains the Senate provision.

#### FEDERAL DEMONSTRATION AND RESEARCH PROGRAMS

The House bill and the Senate amendment contained a provision authorizing the Secretary of HUD in consultation with the Secretary of HEW to develop and carry out a demonstration and research program to detect the nature and extent of lead-based paint poisoning in the United States. The Senate provision authorized this demonstration and research program to establish methods by which lead paint can be effectively removed from interior surfaces, porches, and exterior surfaces to which children are commonly exposed. The similar House provision for demonstration and research directs this demonstration and research program to develop methods to effectively remove lead from paint from the existing buildings. The conference substitute contains the Senate language.

#### PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

The House bill contained a provision authorizing the Secretary of HUD to prohibit the use of lead-based paint in all future Federal construction and rehabilitation after date of enactment of this act of any building or structure receiving Federal assistance in any form. The Senate amendment contained a provision authorizing the Secretary of HEW to take such steps and impose such conditions as may be necessary and appropriate to prohibit the use of lead-based paint in Federal construction or rehabilitation of residential housing. The conference substitute contains the Senate provision.

#### CONSULTATIONS WITH OTHER DEPARTMENTS AND AGENCIES

The House amendment contained a provision authorizing the Secretary of HUD and the Secretary of HEW to cooperate and seek the advice of heads of other departments or agencies regarding any programs related to or affected by lead-based paint poisoning problems. The Senate amendment contained no such provision and none is contained in the conference substitute.

#### GENERAL PROVISIONS

The House bill contained a provision authorizing the Secretary of HEW to make grants to local governments for the detection and treatment of lead paint poisoning. The House provision authorized \$5 million for fiscal year 1971 and \$5 million for fiscal year 1972. The Senate amendment contained a provision authorizing \$7,500,000 for fiscal year 1971 and for each of the 2 succeeding fiscal years to carry out the provisions of title I of the Senate bill providing for grants by the Secretary of HEW to local communities for the detection and treatment of lead-based paint poisoning. The conference substitute contains the Senate provision with an amendment authorizing \$3,300,000 for fiscal year 1971 and \$6,660,000 for fiscal year 1972.

The Senate amendment contained a provision authorizing the Secretary of HEW to make grants to local governments to assist them in developing and carrying out programs to eliminate the cause of lead-based paint poisoning. The House bill contained a provision authorizing the Secretary of HUD to make grants to local governments to assist them in developing and carrying out programs to eliminate the cause of lead-based paint poisoning. The House provision authorized \$10 million for fiscal year 1971 and \$10 million for fiscal year 1972. The conference substitute contains the Senate provision with an amendment authorizing \$5 million for fiscal year 1971 and \$10 million for fiscal year 1972.

The House bill contained a provision providing for a Federal demonstration and research program with an authorization of not less than 25 percent of the amount available to carry out the grant program. The Senate amendment contained a similar provision authorizing \$3,500,000 for fiscal year 1971 and each of the 2 succeeding fiscal years. The conference substitute contains an amendment authorizing \$1,670,000 for fiscal year 1971 and \$3,340,000 for fiscal year 1972.

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